Registered No. M.—1175.

The Mysore Gazette.

Vol. 64.] PUBLISHED BY AUTHORITY. [No. 27.

BANGALORE, THURSDAY, JULY 4, 1929.

PART I.

IMPORTANT GOVERNMENT ORDERS.

CHIEF SECRETARIAT.

Sandalwood on private lands.

READ—

Government Order No. R. 7699—Ft. 13-05-17, dated the 25th March 1909, passing orders for the grant of bonus to occupants of lands from which mature sandalwood trees are removed by Government.

2. Several representations (*vide* Appendix A) regarding sandalwood trees on occupied lands.

ORDER NO. G. 14775-84—FT. 347-27-8, DATED 11TH JUNE 1929.

Under section 72 of the Forest Regulation, all sandal trees in the State are the exclusive property of Government, except where the right to them is expressly alienated in any particular area. Under section 73, a land-holder is responsible for the preservation of every sandal tree growing on his land and in case of any injury or damage done to it, he is liable to pay compensation, unless he can prove that the injury or damage was not due to his act or negligence. In 1909, Government laid down a policy which gave the raiyat a share in the revenue from sandal trees growing on his holdings and afforded him facilities for the removal of trees which hindered the legitimate use of his land. With a view to discouraging the removal of immature trees from occupied lands a scale of fees was laid down for payment of compensation to Government for trees required to be removed.

2. Representations regarding the modification of the existing rules have frequently been made and they have been considered, keeping the interests of Government and the raiyat in view, *vide* Appendix B. All the difficulties experienced do not, however, appear to have been removed and there are renewed requests for a reconsideration of the position.

3. With a view to enable them to come to a decision as to the alterations to be made in the rules and orders now in force, Government consider it desirable to have the whole question pertaining to sandal trees on occupied lands and on lands to be given out for cultivation, carefully gone into by a Committee of official and non-official members. They are accordingly pleased to appoint a Committee, consisting of the following:—

1. The Revenue Commissioner (Chairman).
2. The Chief Conservator of Forests.
3 and 4. The Deputy Commissioners of Mysore and Kadur Districts.
5. Mr. S. L. Mannaji Rau Kadom, Member, Legislative Council.
6. ,, F. M. Abdul Quddus, Member, Representative Assembly.

The Technical Assistant to the Chief Conservator will be the Secretary to the Committee.

4. The terms of reference to the Committee will be as follows:—

(*a*) Whether the occupant or holder may be relieved to any extent of the responsibility for damage to sandal trees on his land.

(i) if he is relieved of the responsibility, what measures should be adopted for the proper preservation of the trees;

(ii) if the continuance of the present rule is necessary, what further reliefs, if any, may be given to him; and whether it is not necessary to raise the scale of fees for damage to the trees having regard to the increased value of sandalwood;

(iii) whether the rates of bonus now granted require any revision;

(iv) whether the procedure for the payment of bonus required any change to ensure that the amount is received promptly by the person entitled to it.

(*b*) Whether any compensation should be recovered from the occupant for the removal of 'Green' sandal trees from his occupancy at his request.

(*c*) Whether malki should be recovered from the raiyat on trees standing on the land given out to him for cultivation.

(*d*) Whether the malki recovered from the occupant should be refunded to him when he resigns the land leaving the trees intact.

(*e*) Whether the concessions granted in the Government Order of 1919, are sufficient to encourage the raising of sandal plantations; if not, what further concessions are necessary for popularising the rearing of such plantations.

(*f*) Whether it is desirable to prepare lists of lands suitable for cultivation of sandalwood with a view to their reservation or to their being given out for growing sandal on special terms.

(*g*) In what respects the rules regarding grant of lands containing sandal trees require revision, so as to meet the reasonable demand of the people for lands for cultivation without affecting Government interests in sandal trees.

(*h*) What safeguards should be provided for the prevention of the removal for destruction of sandal saplings growing on occupied lands.

(*i*) Whether the existing provisions of the Regulation (sections 747, 54 and 55 thereof) are sufficiently deterrent in case of offences relating to sandal, and, if not, what amendment of the law is necessary.

5. The Committee are authorised to make enquiries of Government Officers or others for obtaining information in respect of matters referred to them, and are requested to submit their report before the end of September 1929.

R. RANGA RAO,
Offg. *Chief Secretary to Government.*

APPENDIX A.

ABSTRACT OF REPRESENTATION.	ABSTRACT OF ORDERS OF GOVERNMENT.
1911 (a) The officers of the Forest Department should arrange for the prompt removal of mature sandal trees from occupied lands or (*b*) the occupant himself should be permitted to remove the tree to the Koti.	There is no objection to the occupant himself removing the tree provided it is previously marked by the Range Officer and wood is transported under a passport. R. 1811-20—Ft. 147-11-5, dated 28th September 1912.
1911-12 Recovery of bonus on sandal trees. Lands containing sandal trees should be given out for cultivation without recovering malki and the holder allowed half the value of sandalwood on maturity of the tree.	Rule 41A of the Land Revenue Rules was modified giving discretion to the Deputy Commissioners to grant lands subject to certain conditions for cultivation without recovering the upset price on trees.
96 of 1913.—The sandal trees on lands given out for cultivation, may be treated as the exclusive property of Government for safe preservation.	
50 of 1916.—The existing rule *re* recovery of bonus on sandal trees on lands given out for cultivation may be cancelled.	
The value of the bonus on sandal trees in darkhast lands recovered when the occupancy is given out may be refunded when the land is resigned.	
24 of 1923-127. Abolition of the levy of bonus on trees in lands given out for cultivation in Honnali and Nagar.	The above rules were extended to these Taluks also.
43 of 1917.—Cultivation of sandal trees may be encouraged by allowing them a concession of half the income.	Government Order No. 8145-54—Ft. 176-17-9, dated 4th January 1919 issuing rules, for the payment of value of wood up to 25 per cent in Malnad and 50 per cent in Maidan Districts in cases when sandalwood plantations are raised.
15 (1918.)—To meet the increasing demand for sandalwood, special encouragement should be given for the growth and preservation of sandal trees.	Do
Government may be pleased to recognise the claim of Jodidars to one half of the value of each sandal tree growing on Jodi or Sarvamanya lands, in order that the Jodidars may take interest in the up-keep of the trees.	The above rules are applicable in the case of Jodi lands also.

APPENDIX B.

REPRESENTATION IN BRIEF.	REPLY OF GOVERNMENT.
185-1912 and 187-1912.— The Khatedar may be relieved of the responsibility for damage done to sandal trees in his Khate lands.	The Khatedar cannot be relieved of the responsibility (on account of the valuable nature of the trees).
153-1910.—The rules in force for the preservation of sandal trees on private lands may be modified.	The rule which is a very long standing one and well understood cannot be altered and it is not enforced so as to be unnecessarily oppressive.
159-1911.—Khatedars should not be made responsible for the destruction of or injury to the sandal trees on their holding.	The responsibility of the Khatedar cannot be lessened.
23 of 1923 June.—Right of ownership to sandal trees on occupied lands to be given to the concerned occupants.	The State monopoly in the wood cannot be released, but the rules for the payment of bonus would be revised, if necessary. The rules are not well-known and will be published widely.
24 of 1923 and 39 of 1925. Monopoly of Sandal trees.—That the present monopoly of Government to sandal trees which is causing great trouble and inconvenience may be removed and the raiyats given the sole right to the trees, and that, as regards damages to trees on the margin of khate lands, the raiyats should not be punished without clear proof.	Government will consider in what way the rigour of punishment could be reduced.
1927 October.—Cancellation of the existing rules *re* sandal trees on lands in the occupancy of raiyats, by amending the Forest Regulation.	Though it is not possible to amend the Regulation so long as Government has a monopoly of sandalwood, yet Government will consider the question of giving some inducements to raiyats for the growing of sandal trees and taking care of trees already existing.
38 of October 1926.—Growth of sandal trees on occupied lands. (*a*) Encouragement should be given to grow sandal trees and take care of trees already existing for grant of 50 per cent of value of the wood; (*b*) arrangements should be made to pay bonus before the tree is removed.	The matter will be considered.
40 of October 1928.—The holders of lands may be relieved of the responsibility for preservation of trees or their lands.	The appointment of a Committee is engaging attention.